

## **REMARKS**

In response to the Final Office Action mailed December 24, 2009, the application has been carefully reviewed and it is proposed that the Application be amended as shown above. Entry of this proposed amendment and reconsideration of the application is respectively requested. Claims 1-20 are pending in the application. Claims 1-20 have been finally rejected under 35 U.S.C. §103(a). It has been proposed that Claims 1 and 18 be amended to more particularly claim that which Applicants regard as their invention. When amended as proposed, the application is considered to patentably distinguish over the prior art for the reasons fully set forth below.

### **Claim Rejections –35 U.S.C. §103(a)**

Claims 1, 2, 11-14, and 16-19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (PG PUB 2003/0172072), in view of Seymour (2003/0046122); Claims 3-6 and 7-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith (PG PUB 2003/0172072), in view of Seymour (2003/0046122), and further in view of Martin et al. (U.S. Patent 5,809,479); and Claims 9, 10, 15 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith (PG PUB 2003/0172072), in view of Seymour (2003/0046122), and further in view of Aoyama et al. (PG PUB 2004/0172341). The Examiner concedes that the Smith reference does not disclose a computational element which includes a dormancy feature for at least one of a plurality of items. He has cited the Seymour reference as teaching a detector for detecting the occurrence of a printer component event, a monitor to monitor a condition of printer components, and an interface module configured to allow a user to define rules with the rules-based system defining one or more printer component conditions indicating the need for printer component (item) replacement. As noted previously, the dormancy feature is the important aspect of Applicants' invention in that it provides for placing a particular item parameter in a dormant state to prevent unnecessary ordering of a replacement part associated with such parameter. It is respectfully submitted that the disclosure of the Seymour reference of a rules-based system can in no way be interpreted to teach the dormancy feature of Applicants' invention which takes parameters of certain selected components out of the equation for determining part replacement. As

recited in independent Claims 1 and 18 (and Claims 2-17 and 19-20 respectively dependent thereon), when amended as proposed, the dormancy feature is a positive element of the invention, where a respective parameter for one or more printer components (items) can be placed in the dormancy mode so as to selectively prevent the operation of that component from signaling the need for part replacement. In this manner, unnecessary part replacement may be selectively avoided for a more efficient replacement strategy for a printer. Therefore, even if the Smith and Seymour references could be properly combined, such combination would not render the claimed dormancy feature of Applicants' invention obvious to one of ordinary skill in the art. Additionally, the Martin et al. and Aoyama references do not add any teachings to the missing dormancy feature as described. Therefore, it is respectfully submitted that the presently rejected Claims 1-20, when amended as proposed, would not be obvious to one of ordinary skill in the art in view of the cited prior art, or any other art known to Applicants, in any proper combination, and the rejection of such claims is respectfully considered to be improper. As such Claims 1-20, when amended as proposed, should now be allowed.

### **Conclusion**

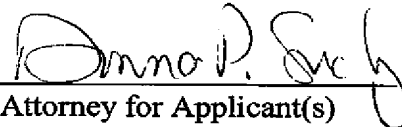
Applicants are not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. §1.99.

When amended as proposed, this Application is believed to be in condition for favorable reconsideration and early allowance, and such actions are respectfully requested. If the Examiner still considers that this Application is not in condition for allowance, it is respectfully requested that this proposed Amendment be entered as placing this Application in better condition for appeal. It is respectfully submitted that the proposed Amendment does not present any new matter and does not require any additional search or consideration.

The Examiner is invited to call the undersigned in the event that a phone interview will expedite prosecution of this Application towards allowance.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Eastman Kodak Company, Deposit Account No. 05-0225.

Respectfully submitted,

  
\_\_\_\_\_  
Attorney for Applicant(s)  
Registration No. 47,979

Donna P. Suchy/NAR  
Rochester, NY 14650  
Telephone: 585-722-9844  
Facsimile: 585-477-1148

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.